

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43655 of 2021**

Arising Out of PS. Case No.-700 Year-2020 Thana- BARACHATTI District- Gaya

Vikash Kumar Son of Late Leela Mahto Resident of Village- Chornima, P.S.-
Mohanpur, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 22-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Barachatty (Mohanpur) P.S. Case No. 700/2020 registered for the offences punishable under Sections 342, 354(B) of the Indian Penal Code and Section 7 & 8 of the POCSO (Prevention of children from Sexual Offences) Act.

The prosecution story in brief is that on 18.11.2020 at about 6.30 P.M. informant was going to her old house to bring cow, the petitioner caught hold on her from back side and attempted to outrage her modesty. It is stated that having seen



the uncle of informant namely Karu Sao, petitioner fled away.

Learned counsel for the petitioner submits that petitioner has no criminal antecedent and he has falsely been implicated in the present case. He has further submitted that due to personal rivalry the present case has been instituted against the petitioner. He has further submitted that charge-sheet has been submitted against the petitioner under Sections 354, 354(A) and 354(B) of the IPC and Sections 7 & 8 of the POCSO Act. That the petitioner is in custody since 27.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum Exclusive Special Judge, (POSCO Act), Gaya in connection with POCSO Case No. 138/2020 arising out of Barachatty (Mohanpur) P.S. Case No. 700/2020 subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

2. If the petitioner, tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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